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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,001	01/16/2004	Eugenio Cruz Garcia	5724.012.21-US	5034
30827	7590	05/05/2005		
MCKENNA LONG & ALDRIDGE LLP 1900 K STREET, NW WASHINGTON, DC 20006			EXAMINER GREEN, CHRISTY MARIE	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/758,001

Applicant(s)

GARCIA, EUGENIO CRUZ

Examiner

Christy M Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: attached figure (2, 3).

### **DETAILED ACTION**

This is a first office action for serial number 10/758001, entitled New Direct laminated Door, filed on January 16, 2004.

#### ***Response to Amendment***

In response to the examiner's office action dated 7/28/04, the applicant has cancelled claims 1-3 and added claims 4-12.

#### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the perimeter area, edge contour, an interior region, a surface texture, a surface of claim 4, an interior region and edge of the product of claims 5 and 6, a curve in claim 6, the edge contour of claims 7-9, the visual pattern of claims 4, 10 and 11, the surface and the interior of the laminated material of claim 12, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

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consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "S" and "3" within figure 3 are not disclosed within the specification.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "a" has been used to designate both two deformities in paragraph [0027], rim edge in paragraph [0029], and volume relief texture in the end product in paragraph [0030]. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

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Claims 7-9 and 10 and 11 are objected to because of the following informalities: Regarding claims 7-9, there seems to be a method step within a structure claim, it has been held that to be entitled to weight in structural claim, the recited method therein must affect the structure and not to be in a manipulative sense. Method steps should be preceded by a method claim. Regarding claims 10 and 11, the claims appear to contradict one another, and it unclear as to how it is possible for the product to extend and also does not extend into the edge contour. Appropriate correction or clarification is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 4, 10 and 11 recites the limitation "the visual pattern" in lines 5 and 1, respectively. Since this limitation was not previously stated within the claims, there is insufficient antecedent basis for this limitation in the claim.

Claims 5 and 6 recites the limitation "the edge of the product" in line 2. Since this limitation was not previously stated within the claims, there is insufficient antecedent basis for this limitation in the claim. Also it is unclear if this is supposed to be the edge contour or the perimeter.

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Until further clarification is made on these limitations, the examiner will interpret them accordingly.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over admissions of prior art on page 1 of the disclosure in view of Johnston, US patent # 2,108,226.

Applicants admission on page 1 of the disclosure states that laminated floor comprising compressed sheets impregnated with polymerisable resins are known. The admission of prior art lacks the sheets being mechanically pressed and cut into a product, the product includes a surface with both a perimeter area having an edge contour and an interior region, the perimeter area is relieved such that a portion of the edge contour is below the interior region, the surface is a surface texture that varies in accordance with the visual pattern, where the surface is formed having a visual pattern that imitates another product, and the edge contour is machined; the edge contour has a substantially linear cross-sectional shape extending from the interior region to the edge of the product, the cross-sectional shape of the edge contour is a curve extending from the interior region to the edge of the product; the machining of the edge contour comprising mechanical scraping, milling or cutting; the visual pattern on the surface

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extends/does not extend into the edge contour; and the surface of the edge contour exposes the interior of the laminated material.

Johnston teaches that it is known in the art to provide a composition of sheets or tile that are mechanically pressed (page 2, column 2, lines 69-70) and cut into a product (page 2, column 2, lines 12-13), the product includes a surface (at 2, figure 1) with both a perimeter area (attached figure 2) having an edge contour (attached figure 3) and an interior region (at 6 – figure 2), where the perimeter area is relieved such that a portion of the edge contour is below the interior region (attached figure 2), a surface texture that varies in accordance with the visual pattern (page 2, column 1, lines 28-34), where the surface (at 2 – figure 1) is formed having a visual pattern (at 15, figure 8 or figure 2) that imitates another product (interpreted to be rough hewn stone or pitted stone – page 2, column 1, lines 29-33), and the edge contour is machined (interpreted to be cut at 7, figure 2, page 2, column 1, lines 13-15); the edge contour has a substantially linear cross-sectional shape (shown in figures 2 and 3) extending from the interior region (at 6 – figure 2) to the edge of the product (attached figure 2; the machining of the edge contour comprising mechanical scraping, milling or cutting (page 2, column 1, lines 13-15); the visual pattern (at 2a and 3a) on the surface extends (shown in figures 1 and 1a)/does not extend (shown in figure 6) into the edge contour; and the surface of the edge contour exposes the interior of the laminated material (“2” – at edge contour in attached figure 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the elements of the composite sheets as

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taught by Johnston with the cellulose sheets within the applicants disclosure in order to provide a composition that requires no joints (page 1, column 1, lines 20-23).

Regarding the limitation the cross-sectional shape of the edge contour is a curve extending from the interior region to the edge of the product, Although the applicants disclose in view of Johnston discloses the claimed invention except for the cross-sectional shape of the edge contour is a curve extending from the interior region to the edge of the product, it would have been an obvious matter of design choice to provide a curve in the edge of the product, since applicant has not disclosed that the shape of a curve solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with edges as shaped within the Johnston invention.

### ***Response to Arguments***

Applicant's arguments with respect to claims 4-12 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christy M Green whose telephone number is 703-308-9693. The examiner can normally be reached on M-F 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Cg

April 28, 2005



Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600

Feb. 15, 1938.

W. S. JOHNSTON

2,108,226

COMPOSITION TILE

Filed Jan. 6, 1936

2 Sheets-Sheet 1

Fig. 1.

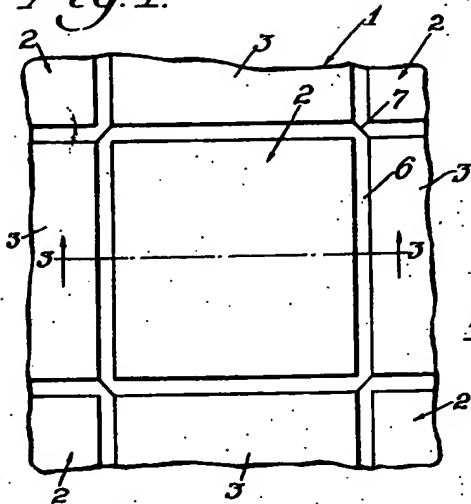


Fig. 1a.

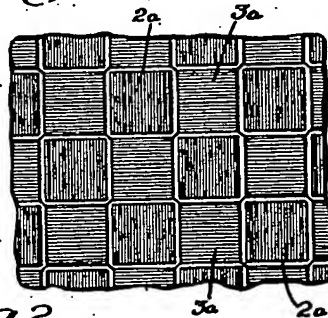


Fig. 2.

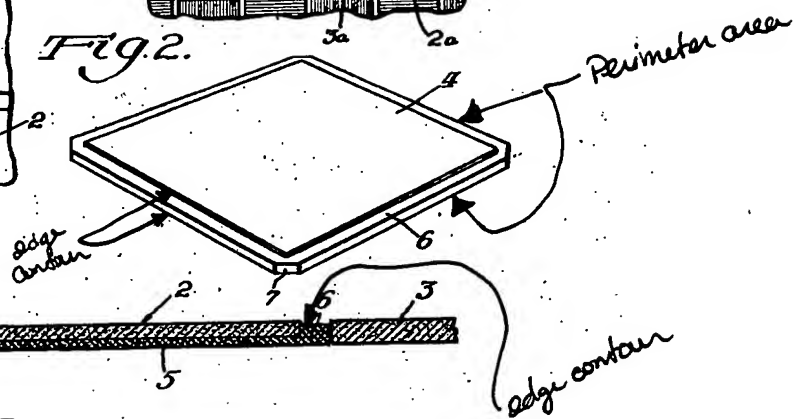


Fig. 3.

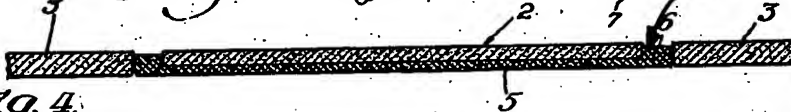


Fig. 4.

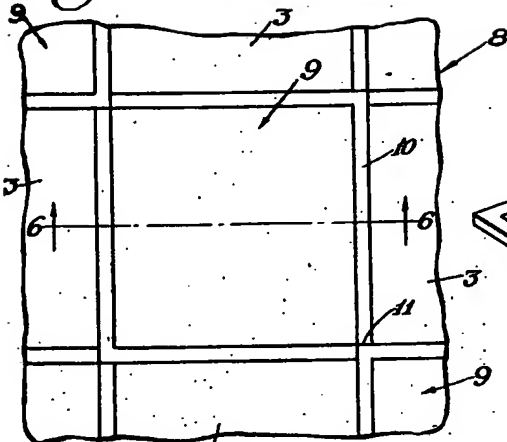


Fig. 5.

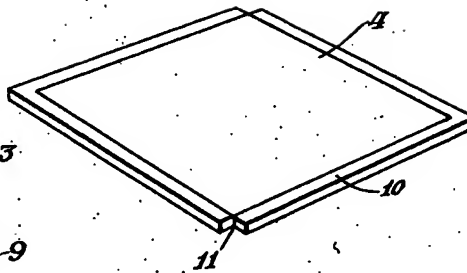


Fig. 6.



Inventor:  
Walter S. Johnston,  
By: Speer J. Gandy  
Attorney: